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Enacted 33 Geo II Private Act

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F O R

Dividing and Inclosing a certain common or
open Piece of waste Ground in the Parish
or Township of Harthill with Woodhall, in
the County of York.

Hereas there is an open and uninclosed Piece or Par- Preamble.
cel of common or waste Ground, situate and being
within the Parish of *Harthill*, in the County of *York*,
commonly called or known by the Name of *Woodhall*
Moor or *Common*, containing by Estimation Three hun-
dred Acres, or thereabouts:

And whereas the most Noble *Thomas* Duke of *Leeds* is Lord of
the said Manor of *Harthill with Woodhall*, Patron of the Church,
Rectory, or Parsonage, of *Harthill* aforesaid, and also Owner or
Proprietor of the greatest Part of the Messuages, Cottages, Lands,
and Tenements, within or belonging to the said Parish or Township
of *Harthill with Woodhall*, and is Owner of the Soil of the said
Common

Common called *Woodhall Moor* or *Common*; and *John Hewett*, Clerk, is the present Rector of the said Church, Rectory, or Parsonage, and, as such, possessed of, or intitled to, the Parsonage House, and the Glebe Lands thereunto belonging, and to the Tythes of Corn, Grain, Hay, Wool, and Lambs, and all Privy and other Tythes to the said Rectory belonging, or in any-wise appertaining:

And whereas *Gilbert Rodes*, Esquire, *Robert Belk*, *Peter Belk*, and *John Norborne*, *George Story*, *John Willis*, and *John Kitchen*, with other Freeholders, are Owners and Proprietors of the Residue of the Messuages, Cottages, Lands, and Tenements, within or belonging to the said Township of *Harthill with Woodhall*; and the said *Thomas Duke of Leeds*, and the several other Freeholders, Owners, and Proprietors, in respect of such their Messuages, Cottages, Lands, and Tenements, are intitled to, and they, and their Tenants, occupy and do enjoy, Common of Pasture for their Cattle in, over, and upon, the said Common called *Woodhall Moor* or *Common*, and at all times in the Year:

And whereas the said Common, or Piece or Parcel of waste Ground, so long as the same lies open, commonable, and uninclosed, is in a great measure useless, or of little Advantage to the several Owners and Proprietors of Messuages, Cottages, Lands, and Tenements, having Right of Common there, and totally incapable of any Improvement:

And whereas the said *Thomas Duke of Leeds*, *John Hewett*, *Gilbert Rodes*, *Robert Belk*, *Peter Belk*, and *John Norborne*, *George Story*, *John Willis*, and *John Kitchen*, and others, Owners and Proprietors of Messuages, Cottages, Lands, and Tenements, interested in the common or Piece of waste Ground, are willing and desirous that the same may be inclosed, taken in, and divided, by Commissioners in that behalf to be appointed; and that specifick Parts and Shares thereof may be assigned and allotted to the several Proprietors thereof respectively, in Severalty, in lieu of, and in proportion and according to, their several and respective Shares, Interests, and Common Rights, in, over, and upon, the said Common, or Piece or Parcel of waste Ground, as the same is now open and uninclosed; and in the manner, and subject to the Rules, Orders, and Directions, herein after-mentioned, prescribed and declared, concerning the same:

But although such Division and Inclosure will tend to the manifest Advantage of the several Persons interested in the Premises, and be an Improvement of their several Estates; Yet the same cannot be established, or rendered effectual, without the Aid and Authority of Parliament:



May it therefore please Your **M A J E S T Y**,

That it may be **Enacted**; And be it **Enacted**, by the **K I N G**'s most Excellent **M A J E S T Y**, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William*

Simpson of Stainford in the said County of York William Marsden of Barnsley in the said County of York Esquires and Francis Ashbey of the said parish of Harthill Gentlemen

and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby, nominated and appointed Commissioners for setting out, dividing, allotting, and inclosing, the said Common, or Piece or Parcel of waste Ground, situate, lying, and being, within, or belonging to, the said Township of *Harthill with Woodhall* aforesaid, herein before-mentioned, and for putting this Act in Execution.

And, for the more certain Division of the said Common, Piece or Parcel of waste Ground, **Be it further Enacted**, by the Authority ^{be made.} **A Survey to** aforesaid, That a true and distinct Survey shall be made of the said Common, Piece or Parcel of waste Ground; and also of all and singular the Lands and Grounds now inclosed, within the said Township (or of such Part and Parts thereof as hath not already been made and taken), before the *twenty ninth day of September 1760*

or as soon after as conveniently may be, by the said Commissioners, or any *two* or more of them, or by such Person or Persons as they, or any *two* or more of them, shall appoint; and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Owner and Proprietor, and also of the said Common, or Piece of waste Ground, shall be therein specified and described; and such Survey shall be laid before the said Commissioners, and their Successors, or any *two* or more of them, at some or One of their Meetings to be held in pursuance of this Act.

And it is hereby further **Enacted**, by the Authority aforesaid, ^{Commissioners to set out the Proprietors Shares.} That the said Commissioners, and their Successors, or any *two* or more of them, shall and may, and they are hereby authorized and required, at any time or times after the said Survey shall have been laid before them, and before the *twenty fifth day of March 1761* ~~or as soon after as conveniently~~

~~niently may be~~, to divide, assign, appoint, set out, and allot, the said Common, Piece or Parcel of waste Ground, herein before-mentioned, unto and amongst them the said *Thomas Duke of Leeds, John Hewett, Gilbert Rodes, Robert Belk, Peter Belk, and John Norborne, George Story, John Willis, and John Kitchen*, and the several Owners and Proprietors intitled to, and interested in, the same, in proportion and according to their several Shares, Interests, and other Rights and Properties, in, upon, and over, the said Common, or Piece or Parcel of waste Ground; subject nevertheless to the Rules, Orders, and Directions, in and by this Act ordered, directed, established, appointed, and prescribed.

Not to give
undue Preference.

Provided always, and be it further Enacted and Declared, by the Authority aforesaid, That nothing in this Act contained shall empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said intended Inclosure and Division, in respect of their Shares and Allotments; but that the said Commissioners, or their Successors, or any of them, in making such Allotments, shall have due Regard to the Quality as well as the Quantity of the Land and Gaound so to be inclosed, divided, and allotted, and the Situation and Contiguity of the same to the Dwelling-houses, Lands, and Grounds, of the several Parties to or for whom the same shall be respectively assigned and allotted; and also to the Right of Common, and other Property, belonging to each Person interested in the said Division and Inclosure; and the Quality, as well as Quantity, and Contiguity, of the Lands to be allotted in lieu thereof; the smallest Owners and Proprietors of the Common, or Piece or Parcel of waste Ground, having their Allotments nearest to their Dwelling-houses, or Lands and Grounds lying within the said Township of *Harthill with Woodhall* aforesaid.

Commission-
ers to adjust
Differences.

And, for the better ascertaining the Rights and Claims of all the Parties interested as aforesaid, **Be it further Enacted,** by the Authority aforesaid, That in case any Difference or Dispute shall arise between any of the said Parties interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares, Rights, and Interests, which they, or any of them, now have or claim to have, in the said Common, Piece or Parcel of waste Ground so intended to be inclosed as aforesaid, or touching the respective Shares and Proportions which they, or any of them, ought to have or claim to have, in the said intended Division and Inclosure, it shall and may be lawful so and for the said Commissioners, and their Successors, or any ~~two~~ or more of them, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any ~~two~~ or more of them, are hereby authorized and empowered to administer); and, upon other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and finally determine the same.

Am

And it is hereby further Enacted, by the Authority aforesaid, That the said Common Piece or Parcel of waste Ground, to be divided, set out, allotted, and appointed, unto and for the several Persons who, by virtue of this Act, shall be intitled to the same, shall be in full Bar of, and in full Satisfaction and Compensation for, their several and respective Rights of Common, and other Rights and Properties whatsoever, in, over, and upon, the said Common Piece or Parcel of waste Ground; and that, from and immediately after the making the said Division and Allotments, and the Execution of the said Award or Instrument, of such Tenor and Purport as herein after-mentioned, the Right of the said Duke in and to the Soil of the said Common, Piece or Parcel of waste Ground, called *Woodhall Moor*, or Common, which shall be taken into the said intended Inclosure, and all the Right of Common belonging to, or claimed by, all and every the said Owners, Proprietors, or Occupiers, of Messuages, Cottages, Lands, and Tenements, or other Hereditaments, within or belonging to the said Township of *Harthill*, with *Woodhall* aforesaid, in, over, and upon, the said common Piece or Parcel of waste Ground, and every Part thereof, shall cease, determine, and be for ever extinguished.

Allotments
to be in lieu
of Common
Right.

And be it further Enacted, by the Authority aforesaid, That within the Space of ~~Six~~ ^{four} Calendar Months after the Division and Allotments of the said Common, Piece or Parcel of waste Ground shall be completed and finished, the said Commissioners, and their Successors, or any ~~two~~ or more of them, shall form and draw up, and they are hereby authorized and required to form and draw up, an Award or Instrument thereof in Writing, which shall express and contain the Quantity and Contents, in Statute-measure, of the Acres, Roods, and Perches, contained in the said Common, Piece or Parcel of waste Ground, so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof, assigned and allotted to each of the Parties intitled to Lands, Common Right, or any other Property within the same, and a Description of the Situation, Buttals, and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the publick Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the private Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, in, over, and upon the said intended Inclosures; and also all such Orders, Regulations, and Determinations, as are in or by this Act mentioned, directed, or required to be made and established, and such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters therein contained; which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, and their Successors, or

Commission-
ers to make
an Award;

which is to
be inrolled.

any ~~two~~ or more of them; and shall, within ~~Six~~ Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled in the publick Register Office in *Wakefield*, in the West Riding of the County of *York*, established by Act of Parliament, for the registering Deeds, Conveyances, Wills, and other Incumbrances affecting Lands, Tenements, or Hereditaments, in the said West Riding; to the end Recourse may be had to the same by any Person or Persons interested in the said intended Division or Inclosure; and the Register of the said Office, or his Deputy, is hereby required to inroll the said Award or Instrument, for the usual Fee allowed and appointed to be taken by the said Act for inrolling Bargains and Sales of Lands; and a Copy of such Inrollment, signed by the said Register or his Deputy, purporting to be a true Copy thereof, shall, from time to time, and at all Times thereafter, be admitted and allowed in all Courts of Law and Equity in *Great Britain*, and elsewhere, as legal Evidence of the same: And the several Allotments, Partitions, and Divisions, so to be made by the said Commissioners, or their Successors, or any ~~two~~ - or more of them, in and by such Award or Instrument in Writing, so executed and inrolled as aforesaid, shall be, and are hereby declared to be, binding and conclusive unto and upon all and every the several Parties so interested in the said Common, Piece or Parcel of waste Ground, so intended to be inclosed as aforesaid.

Copy of In-
rollment to
be Evidence.

Directions for
Fencing.

And be it further Enacted, by the Authority aforesaid, That, within the Space of ~~two~~ Calendar Months after the Execution of the said Award or Instrument as aforesaid, the several Parcels of Land thereby allotted shall be inclosed, hedged, ditched, or fenced; and such Inclosures, Hedges, Ditches, and Fences, at all Times thereafter, shall be repaired and maintained in such manner as the said Commissioners, or any ~~two~~ or more of them, shall, in such Award or Instrument, order and direct.

Power to sell
and exchange
Shares.

And it is hereby further Enacted, by the Authority aforesaid, That, for the more convenient Situation and Disposition of the several Allotments to the several Farms and Lands of the several Owners and Proprietors aforesaid, upon the said intended Division, it shall and may be lawful to and for all or any of the several Proprietors and Owners to exchange all or any of his, her, or their Messuages, Lands, Tenements, antient Inclosures, or inclosed Lands, in or upon which there is no Common Right, or other Lands and Grounds within, near, or adjoining to, the Township of *Harthill with Woodhall*, or the Hamlet of *Woodhall* aforesaid, for any other Messuages, Tenements, antient Inclosures, or inclosed Lands, as aforesaid, or other Lands or Grounds within, near, or adjoining to the same Township or Hamlet, or to contract for and sell the same, or such Parts or Shares of the said Lands to be inclosed, as shall be allotted to them, or any of them, respectively, for a valuable Consideration in Money, to be agreed upon by them, or any of them, respectively; so as all and every such Exchange and Exchanges,

changes, and every such Contract and Sale, be made by and with the Consent and Approbation of the said Commissioners, or any ~~two~~ of them, to be ascertained, specified, and declared, in the said Award or Instrument so directed to be made and executed as aforesaid, or some other Act or Instrument, to be inrolled as before-mentioned.

Provided also, and it is hereby further Enacted, by the Authority aforesaid, That convenient Openings shall be left in the said Fences and Inclosures, for the Space of ~~twelve~~ Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, through the same, unless the several Parties interested therein shall agree that the same shall be sooner made up and inclosed.

Openings to be left in the Fences.

Provided also, and it is hereby further Enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken, to revoke, make void, alter, annul, or any-wise affect, any Settlement, Deed or Will whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Incumbrance, or other Claim or Demand, out of, upon, or affecting, any of the Lands or Grounds so intended to be divided and inclosed as aforesaid, or any Part or Parcel thereof, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively; but that the Lands and Grounds to be allotted shall, immediately after the making such Division, be, remain, and enure, and be held and enjoyed, and the several Proprietors to whom the same shall be assigned and allotted, and given in Exchange, as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively; subject and liable to such and the same Uses, and to and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisoes, Limitations, Remainders, Trusts, Charges, Rents, Services, Incumbrances, and Demands, as he, she, or they respectively, should and would have stood seised of, and in his, her, or their, Lands, Interest, or Property, in the said Common, Piece or Parcel of waste Ground, in case this Act had not been made; any thing herein contained to the contrary notwithstanding.

The Act not to prejudice Persons Rights.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or their Successors, or any ~~two~~ or more of them, shall, and they are hereby required to give, or cause publick Notice to be given, in the Parish Church of *Hartbill* aforesaid, on some *Sunday* immediately after Divine Service, of the Time and Place of their First Meeting, and every subsequent Meeting, for the Execution of this Act, at least ~~ten~~ Days before any such Meeting shall be held, Meetings by Adjournment only excepted.

Notice of Meetings.

And

Power to
elect new
Commission-
ers.

And be it further Enacted, by the Authority aforesaid, That if any ~~one~~ or more of the Commissioners appointed by this Act, or who shall have been elected in the manner herein after-mentioned, shall, before the Execution of the said Award or Instrument, die, or refuse to act, the surviving or remaining Commissioners, ~~or of them~~ ^{or of them}, shall, from time to time, by Writing under their Hands and Seals, within ~~one~~ Calendar Month next after such Death or Refusal shall happen ~~to~~ be known, appoint ~~one~~ other Commissioner, not interested in the said intended Inclosure, instead of each Commissioner so dying, or refusing to act; and every such Commissioner, so to be appointed, shall have the like Authority to act, in the Execution of this Act, as the Commissioner, in whose place he shall succeed, was vested with; which said Instrument shall likewise, within ~~twenty~~ Days after the Execution thereof, be inrolled in the said publick Register Office in *Wakefield* aforesaid; and the Register of the said Office, and his Deputy, are hereby required to intoll the same for the usual Fees to be taken by virtue of the said Act for the inrolling of Bargains and Sales of Lands; and a Copy of such Inrolment, signed by the said Register, or his Deputy, purporting to be a true Copy thereof, shall be allowed in Evidence in all Courts of Law or Equity in *Great Britain*, or elsewhere; provided that Notice be given, in the said Parish Church of *Hartbill*, in manner aforesaid, of the Time and Place of Meeting to chuse such Commissioner or Commissioners, at least ~~ten~~ Days before such Meeting.

Time for ac-
cepting Al-
lotments.

And be it further Enacted, by the Authority aforesaid, That every Person, intituled to any Allotment or Allotments to be made as aforesaid, shall and is hereby required to accept such Allotment or Allotments, within the Space of ~~five~~ Calendar Months next after the Execution of the said Award or Instrument, and publick Notice given in the said Parish Church of *Hartbill*, on some *Sunday* immediately after Divine Service, and also Notice in Writing affixed on the Door of the said Parish-Church for that Purpose, signed by the said Commissioners, or their Successors, or any ~~two~~ or more of them, (which Notices the said Commissioners, and their Successors, or any ~~two~~ or more of them, are hereby required to cause to be so published and given); and every Person, who shall neglect or refuse to accept any such Allotment within the Time mentioned or limited, shall be totally excluded from having or receiving any Benefit or Advantage by this present Act, and also from any Estate, Interest, and Right of Common whatsoever, into, or in respect of, the Lands allotted to any other Person or Persons by virtue of this Act.

Guardians,
&c. may ac-
cept.

**Provided always, and it is hereby further Enacted and De-
clared**, by the Authority aforesaid, That the Guardians, Husbands,
Trustees, Committees, or Attornies, of any Person or Persons, being
a Minor

a Minor or Minors, or otherwise incapable by Law to accept any such Allotments, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and also that any Person or Persons intitled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives, shall be and is and are hereby respectively enabled to take and accept of such Allotment or Allotments, and also that any Person or Persons intitled to any Allotment or Allotments, in Remainder or Expectancy, upon any precedent particular Estate, upon Neglect or Refusal, for the Space aforesaid, of any Tenant or Tenants in Possession, or any Person intitled to any such precedent particular Estate, shall be and is and are respectively hereby enabled to accept of any such Allotment or Allotments in lieu and instead of any such Tenant or Person so intitled, and neglecting or refusing as aforesaid; and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual; any thing herein contained to the contrary notwithstanding.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Ideot, Feme-covert, or other Person, under any Incapacity as aforesaid, who shall claim or accept within ~~twelve~~ Calendar Months next after such Incapacity shall be removed; or of any Person or Persons intitled as Heir or in Remainder, after the Death of any Person dying under such Incapacity, who shall claim or accept within ~~twelve~~ Calendar Months after his, her, or their Right or Interest shall have accrued, or be known to have accrued.

Non-accept-
ance not to
prejudice In-
fants, &c.

Provided always, and be it further Enacted, by the Authority ^{Lords Rights} ~~of~~ ^{preserved.} aforesaid, That this Act shall not prejudice, lessen, or defeat, the Rights, Titles, or Interests, of the said Duke, as Lord of the said Manor of *Hartbill with Woodhall*, or of any future Lord or Lords of the said Manor, of, in, or to, the Seignior, Royalties, Rights, and Services, incident and belonging to the said Manor; but that the said Duke, and such Lord or Lords for the Time being, and all Persons claiming and to claim under and in Trust for him or them, as Lord or Lords of the said Manor, shall, at all Times hereafter, hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, Stone-Quarries, Coal Mines, and other Mines and Minerals, together with all Rights, Powers, Authorities, Privileges, Liberties, Advantages, Ways, Way-leaves, Paths, and Passages whatsoever, for the more easy and effectual getting, winning, taking, selling, vending, carting, and carrying away, of or from such Quarries, Coal Pits, or Mines, all and all Manner of Stone, Coals, Mines, and Minerals; and also all Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, and Jurisdictions, to the said Manor, or to the Lord thereof, incident, belonging, appendant, or appertaining

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(other

(other than and except the Right to the Soil and Inheritance of such Parcels of Land as shall be allotted by virtue of this Act to any other Person or Persons; and also such Right of Common, and other the Depasturage, as can or may be claimed by the Lord or Lords of the said Manor, upon the Lands hereby intended to be inclosed) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same before the passing this Act, or in case the same had not been made.

Saving.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except all Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act, and others meant and intended to be barred by this Act), All such Estate and Interest as they, every, or any of them, had and enjoyed, of, into, or in respect of, the said Common, Piece or Parcel of waste Ground, before the Passing of this Act, or could or might have had or enjoyed, in case the same had not been made.

We do hereby consent to this Act and desire the same may pass into a Law

James
George Stoney
John Story
John Kitchen
Thomas Pitchfork
Hewett Rectr
Gilbert Rhodes
John Horborn
Robt. Belk
Peter Belk
John Willis

ACT

FOR

the relief of the
people of the
State of New York
in the year 1800

(other than and except the Right to the Soil and Inheritance of such Parcels of Land as shall be allotted by virtue of this Act to any other Person or Persons; and also such Right of Common, and other the Depasturage, as can or may be claimed by the Lord or Lords of the said Manor, upon the Lands hereby intended to be inclosed) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same before the passing this Act, or in case the same had not been made.

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Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except all Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act, and others meant and intended to be barred by this Act), All such Estate and Interest as they, every, or any of them, had and enjoyed, of, into, or in respect of, the said Common, Piece or Parcel of waste Ground, before the Passing of this Act, or could or might have had or enjoyed, in case the same had not been made.

We do hereby consent to this Act and desire the same may pass into a Law

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John Story
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Thomas Pitchfork
Hewett Rectr
Gilbert Rhodes
John Horborn
Robt. Belk
Peter Belk
John Willis

Yr
Honors, in the Court of
a Judge of the Court of
the City of New York
Dated at New York
FOR

V
C
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A C T

FOR

Dividing and Inclosing a certain common or open Piece of waste Ground in the Parish or Township of Harthill with Woodhall, in the County of York.

Consent Bill.

Consent Bill

Consent Bill

Consent Bill

